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10/797,572	03/11/2004	John Peter Walsh	16240.M293	4803

7590 07/20/2007  
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EXAMINER
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LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

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07/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/797,572

Applicant(s)

WALSH, JOHN PETER

Examiner

Jessica Laux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/02/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a method of forming a molded plywood door, classified in class 52, subclass 741.1.
- II. Claims 15-24, drawn to a door skin and door, classified in class 52, subclass 784.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as in a steam chamber instead of with water.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Joseph Berenato on July 2, 2007 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 15-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Moyes (6312540).

Regarding claim 1: Moyes discloses a method of forming a molded plywood door skin, comprising the steps of:

providing a plywood board (10);

conditioning the plywood board with water (49; Col. 6, lines 43-61);

disposing the conditioned plywood board in a contoured mold press having a mold cavity (21; Col. 7, line 64); and

deforming the plywood board in the mold press using sufficient heat and pressure to form a molded plywood door skin having contoured portions corresponding to said mold cavity (Col. 8, lines 26-36).

Regarding claim 2: The method of claim 1, including the step of closing the mold press at a predetermined closure rate (Col. 8, lines 26-36).

Regarding claims 4-5: The method of claim 1, wherein said conditioning step includes exposing the plywood board to steam in an atmospheric chamber (Col. 6, lines

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59-61; where an atmospheric chamber or a pressurized sealed cavity are common and well known methods of steaming boards).

Regarding claim 7: The method of claim 1, wherein said conditioning step includes soaking the plywood board in a water bath (Col. 6, lines 43-61).

Regarding claim 11: The method of claim 1, wherein said conditioning step increases moisture content of the plywood board to between about 9-15% (which is between about 10-40% as applicant has claimed; (Col. 6, line 49)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 8-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyes (6312540).

Regarding claim 3: Moyes discloses the method of claim 2 above but does not expressly disclose that the closure rate is between about 3 mm per minute and about 7 mm per minute. However, Moyes does disclose that various closure rates are acceptable depending the specific features of the board. Further applicant has not disclosed that such a closure provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art furthermore would have

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expected applicant's claimed closure rate and that as disclosed by Moyes to perform equally well considering they both close the press at a constant predetermined rate.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the closure step of Moyes to be at a rate as claimed by applicant as such a modification appears to be a matter of mere design choice which fails patentably distinguish of the prior art of Moyes.

Regarding claim 6: Moyes discloses the method of claim 5, but does not expressly disclose that the plywood board is exposed to steam in the pressurized, sealed cavity for at least about 30 minutes during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to steam the board for 30 minutes because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of steaming, and applicant's invention to perform equally well with either the step of steaming taught by Moyes or the claimed step of steaming because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claim 6 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

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Regarding claim 8: Moyes discloses the method of claim 7, but does not expressly disclose that the plywood board is soaked in the water bath for at least about 4 hours during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to soak the board for 4 hours because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of soaking, and applicant's invention to perform equally well with either the step of soaking taught by Moyes or the claimed step of soaking because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claim 8 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claims 9-10: Moyes discloses the method of claim 1 and further using surfactants to achieve a desired moisture pick-up (Col. 6, lines 54-56), but does not expressly disclose that the said conditioning step includes exposing the plywood board to a surface spray.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to condition the boards using a surface spray because applicant has not disclosed that such a limitation provides an

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advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of conditioning, and applicant's invention to perform equally well with either the step of conditioning taught by Moyes or the claimed step of conditioning because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering. Further applicant has disclosed in the specification and claims several different steps of conditioning to be acceptable (such as a water bath or steaming).

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claims 9-10 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claims 12-14: Moyes discloses the method of claim 1, but does not expressly disclose that the plywood board is a luan plywood board or that the MDF core layer includes an exterior ply of solid natural wood (Moyes does disclose a core of MDF).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a luan plywood board or and MDF core with an exterior ply because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. Further applicant discloses in the specification and claims that several different board materials are acceptable. One of ordinary skill in the art, furthermore, would have expected Moyes board, and applicant's board to perform equally well with either the



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material taught by Moyes or the claimed materials as both would perform the same function of provide a strong and molded door skin equally well.

Therefore, it would have been prima facie obvious to modify Moyes to obtain the invention as specified in claims 12-14 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3635

JL  
07/03/2007